

REMARKS

Herein, the "Action" or "Office Action" refers to the Office Action dated October 9, 2003.

Applicant respectfully requests reconsideration and allowance of all of the claims of the application. Claims 1-17, 19-35, 37-47, and 49-79 are presently pending. Claims amended herein are 1, 2, 4, 6, 8, 15-17, 19, 20, 22, 25, 33-35, 37-39, 42, 45, 49-55, 58, and 61. Claims withdrawn or cancelled herein are 18, 36, and 48. New claims added herein are 64-79.

Claim Amendments

Applicant amends several claims (including claims 1, 2, 19, 20, 37, 38, and 49-54) to clarify the language reciting the data structure content of the message envelopes. For example claim 1 recites the following as amended:

- the contents comprising data structures, ~~in which~~ each data structure ~~is identified according to~~ identifies which entity ~~that~~ is intended to process the data structure when that entity receives the message envelope over the network

Applicant submits that this revised claim language does not affect the scope of the claims. The change was not done in response to any Office rejection, for any statutory reason, or to avoid prior art. Rather, it was done solely for the purpose of making the claim language precise and easier to read.

Formal Objections

Specification

The Office advises the Applicant of its requirement to update the status (e.g., pending, patent numbers, etc.) of all parent priority application in the first line of the specification. The Office indicates that the status of all citations of U.S. filed applications in the specification should also be updated where appropriate.

Accordingly, Applicant amends the specification to specify the latest known information regarding parent priority applications or other cited applications.

Double Patenting

The Office advises that if claims 18, 36, and 48 were found allowable, then claims 49, 50, and 51, respectively, will be objected to under 35 CFR § 1.75 as being a substantial duplicate thereof ("double-patenting").

Applicant appreciates the Office's advice. Accordingly, Applicant withdraws claims 18, 36, and 48 to avoid this potential issue.

Claim Objections

The Office objects to claims 6, 15, 16, 22, 33, 34, 35, 53, and 54 for various informalities involving apparent typographical errors. Applicant amends those claims to correct the informalities.

Formal Claim Rejections

Claim Rejections under §112

The Office rejects claims 1, 2, 4, 15-17, 19, 20, 22, 33-35, 37-39, 42, 49-55, and 58 as being indefinite. The specific rejection and Applicant's response follows:

Claims 1, 2, 19, 20, 37-39, 49-55, and 58

These claims recite "the structure." The Office indicates that there is insufficient antecedent basis for this term in these claims.

Since the "structure" in each of these claims is the "data structure," Applicant amends these claims to add the word "data" between "the" and "structure." Applicant submits that these claims are now definite.

Claims 4, 22, and 42

These claims recite "the body." The Office indicates that there is insufficient antecedent basis for this terminology in these claims.

Since the "body" in each of these claims is the "body data structure," Applicant amends these claims to add the phrase "data structure" after "body." Applicant submits that these claims are now definite.

Claims 15 and 33

These claims recite "the header tags." The Office indicates that there is insufficient antecedent basis for this terminology in these claims.

Applicant amends these claims to change which claim from which they depend. The proper antecedent basis for the limitation is provided by the claim

1 from which each claim now depends. Applicant submits that these claims are now
2 definite.

3
4 Claims 16 and 34

5 These claims recite "the body tags." The Office indicates that there is
6 insufficient antecedent basis for this terminology in these claims.

7 Applicant amends these claims to change which claim from which they
8 depend. The proper antecedent basis for the limitation is provided by the claim
9 from which each claim now depends. Applicant submits that these claims are now
10 definite.

11
12 Claims 17 and 35

13 The Office indicates that there is insufficient antecedent basis for several
14 specifically recited limitations in these claims.

15 Applicant amends these claims to change several "the" to "a" and "an."
16 Applicant submits that these claims are now definite.

17
18 Claim 15 [and 16]

19 These claims recite either "the header" or "the body." The Office indicates
20 that there is insufficient antecedent basis for this terminology in these claims.

21 Since the "header" in claim 15 is the "header data structure," Applicant
22 amends this claim to add the phase "data structure" after "header." Since the
23 "body" in claim 16 is the "body data structure," Applicant amends claim 16 to add
24 the phase "data structure" after "body." Applicant submits that these claims are
25 now definite.

Substantive Claim Rejections

Claim Rejections under §101

The Office rejects claims 1, 2, 4-6, 8-10, 19, 20, 22-28, 37-39, 42-47, and 52-63 under USC § 101, which reads:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

The Office indicates that these claims are directed to non-statutory subject matter. Applicant respectfully traverses the rejections of these claims.

The Office explains that “data structures not claimed as embodied in computer-readable media are descriptive material *per se* and are not statutory because they are not capable of causing functional change in the computer.” The Office provides further explanation centered on central point that data structure *per se* is non-statutory subject matter, but a data structure embodied within the context of computer software or hardware may be statutory subject matter.

Rather than being directed towards “data structures” or any other article of manufacture, the subject matter of each of the rejected claims is directed towards a “method.”

For example, claim 1 below illustrates the subject matter of these rejected claims:

- 1. A method of formatting a message for exchange between entities on a network, the method comprising:
 - generating a message envelope;

- generating contents of the message envelope, the contents comprising data structures, in which each data structure is identified according to which entity that is intended to process the data structure.

Applicant submits that method claims, like those at issue here, fall within the “process” category of the four enumerated categories of patentable subject matter in §101. Therefore, such method claims are statutory.

Accordingly, Applicant asks the Office to withdraw its rejection of these claims.

Claim Rejections under §102 and §103

The Office rejects all pending claims under §102 and/or §103. For the reasons set forth below, the Office has not shown that cited references anticipate (under §102) the rejected claims. For the reasons set forth below, the Office has not made out a *prima facie* case of obviousness (under §103). Accordingly, Applicant respectfully requests that the rejections be withdrawn and the case be passed along to issuance.

The Office’s rejections are based upon the following reference:

- **Fuisz:** *Fuisz et al.*, US Patent No. 6,389,455;
- **Connolly:** RFC 1866: Hypertext Markup Language -- 2.0, (Nov. 1995);
- **Hemphill:** *Hemphill et al.*, US Patent No. 6,167,448;
- **Allen, Jr.:** *Allen, Jr.*, US Patent No. 3,825,905;

- **Postel:** RFC 793: Transmission Control Protocol (TCP) Specification, (Sept. 1981).

Overview of the Application

The Application describes techniques directed towards message exchanging between entities in a decentralized, distributed, potentially heterogeneous, network environment. Typically, a “message” specifies the name of the entity or service to which the request is made, the task to be performed, and any parameter or value that needs to be specified for this request. Therefore, a “message exchange” is a communication in which an entity sends a message to another entity to request that the other entity take some action and, if appropriate, respond.

The described techniques define a mechanism for the entities on both ends of a message exchange understand, identify, and parse the format of the message being exchanged. This format may employ XML (eXtensible Markup Language).

Data messages are broken down into two portions—one portion (the “body”) is intended from an ultimate destination and the other portion (the “header”) is intended for intermediaries and/or the ultimate destination. The body may be defined so that it must be understood by the ultimate destination. The header is defined so that it must be understood or changed. Regardless, the data in the body is delivered intact to the ultimate destination.

Along its journey from sender to ultimate destination, the message may be the focus of processing by intermediaries. For example, a message may pass through a transaction service, providing a client with guaranteed invocation in the presence of network failures; a security service may sit at an enterprise portal, providing authentication information; and so on.

1 The described techniques define a message envelope exchange format in
2 XML over a transport protocol, such as HTTP (HyperText Transport Protocol).
3 This format allows for the execution of RPC (Remote Procedure Call) over XML,
4 but it can be used for any message exchange over a network. The basic format
5 (i.e., grammar) of the message envelope is:

```
6      <Envelope>  
7          <Header>  
8              header data (such as security and routing information  
9              or any other data)  
10             </Header>  
11             <Body>  
12                 body data (such as a data structure or a request to  
13                 perform some action or some other "method invocation")  
14             </Body>  
15         </Envelope>
```

16 To send this message over HTTP on the Internet, special HTTP bindings are
17 employed. However, this format can be used with other transport protocols.

18 Cited References

19 The Office cites **Fuisz** as its primary reference in all of its obviousness
20 rejections. The Office cites **Connolly, Hemphill, Allen, Jr., or Postel** as its
21 secondary reference in its obviousness rejections.

22 Fuisz

23 **Fuisz** describes e-mail "bounce" techniques that establish user accounts
24 that automatically forward a user's e-mail to one or more pre-selected forwarding
25 e-mail address(es). Each user creates a forwarding directory, which may comprise
multiple e-mail accounts. Using these bounce techniques, users can have one e-
mail account that serves as a routing hub.

Connolly

Connolly (RFC 1866) describes the Hypertext Markup Language (HTML) which is commonly employed on networks, such as the Internet. It is a simple markup language used to create hypertext documents that are platform independent.

HTML has been in use by the World Wide Web (WWW) global information initiative since 1990. **Connolly** describes the capabilities of HTML in common use prior to June 1994.

Hemphill

Hemphill describes event notification techniques for a network including a managed device that includes one or more management agents that detect one or more management events of a plurality of possible management events. The managed device further includes event notification logic that generates an event notification message (ENM) which includes event related information. The ENM is written using a markup language, such as XML, to encode the event related information based on the management event. The ENM may include executable code written in a scripting language or the like, that when executed, causes at least one action to be performed.

A management server is provided that includes an event processor that executes the code to perform the desired actions in response to the particular management event. The event notification logic transmits the ENM to the management server using an HTTP post transaction to ensure delivery.

Allen, Jr.

Allen, Jr. describes a communications processor system including a message switching digital computer programmed to receive binary coded data from a plurality of communication control devices connected to communications lines.

The system may poll remote terminals. A remote terminal will transmit a specific code (e.g., ENQ) that indicates that it did not understand the poll.

Postel

Postel describes the well-known Transmission Control Protocol (TCP), which is intended for use as a highly reliable host-to-host protocol between hosts in packet-switched computer communication networks (such as the Internet).

Anticipation Rejections

Based upon Fuisz

The Office rejects claims 1, 2, 4, 6, 7, 18-20, 22, 27, 26, 36-38, 42, 44, 48-55, 58, and 61 under USC § 102(e) as being anticipated by **Fuisz**. Applicant respectfully traverses the rejections of these claims. Based on the reasons given below, Applicant asks the Office to withdraw its rejection of these claims.

Claims 1, 19, 37, and 49-54

The Office does not tie specific language of these independent claims to any specific cited portion of the reference. Instead, without linkage to any particular claim language, the Office discusses the cited reference and cites portions of the reference to support its discussion and conclusion. The portions of **Fuisz** cited by the Office include the following:

- Col. 4, lines 65-67;
- Col. 5, lines 1-4;
- Fig. 1; col. 3, lines 55-59;
- Col. 5, lines 50-53.

As amended, claims 1, 49, and 52 recite:

- [generating/generate] a message envelope of a message;
- [generating/generate] contents of the message envelope, the contents comprising data structures, each data structure identifies which entity is intended to process the data structure when that entity receives the message envelope over the network.

As amended, claims 19, 50, and 53 recite:

- [transmitting/transmit] a message envelope of a message from an origin entity to a destination entity via one or more intermediate entities on the network;
- the message envelope having contents comprising data structures, each data structure identifies which entity is intended to process the data structure when that entity receives the message envelope over the network.

As amended, claims 37, 51, and 54 recite:

- [parsing/parse] a message envelope of a message, the message comprising at least one request by a sending entity on a network of another entity on the network to perform a task;
- [parsing/parse] contents of the message envelope, the contents comprising data structures, each data structure identifies which entity is intended to process the data structure when that entity receives the message envelope over the network.

In order to anticipate these claims, Applicant submits that **Fuisz** must disclose every element and feature of the claims and that they must be arranged in the same manner as the claims. Applicant respectfully submits that **Fuisz** does not disclose all of the claimed elements and features of these claims.

Fuisz discloses an e-mail forwarding system using a “bounce” account. “Messages received by the bounce account simply get re-routed to the new e-mail account” (col. 1, lines 50-51).

The Office indicates that **Fuisz** teaches (at col. 4, lines 65-67) a “message format involving an envelope divided into a header and a body (data structures)”. It further indicates that **Fuisz** teaches (at col. 5, lines 1-4) a “header containing sending instructions (header is to be processed by sending entities and body by recipient)”. Pointing to Fig. 1 and col. 3, lines 55-59, the Office also indicates that the message is being sent through a network via a “routing hub (intermediate

1 entity)". The Office states that **Fuisz** teaches (at col. 5, lines 50-53) an "extracting
2 (parsing) [of] the 'to' (header) information of a message".

3 The Office indicates that the header and body of **Fuisz's** e-mail messages
4 are analogous to the recited data structures of these claims. If so, Applicant
5 submits that the data structures of **Fuisz's** e-mail messages do not "identif[y]
6 which entity is intended to process the data structure when that entity receives the
7 message envelope over the network" (as recited by the claims).

8 The Office has not pointed out where **Fuisz** expressly discloses that the
9 header of its subject email message "identifies which entity is intended to process"
10 the header "when that entity receives the message envelope over the network."
11 Similarly, the Office has not pointed out where **Fuisz** expressly discloses that the
12 body of its subject email message "identifies which entity is intended to process"
13 the body "when that entity receives the message envelope over the network."

14 Applicant submits the header merely includes a record of the message's
15 transmission and the body merely contains text (or other presentation data, such as
16 images, sound, etc.).

17 Since it is a transmission record¹, the header may include a record
18 identifying of who *has* handled the message during its transmission and may
19

20 ¹ Email messages are not sent based upon what is in the header. Rather, they are sent based upon a command-
21 response dialog between senders and receivers while the header provides a record of the transmissions between senders
22 and receivers. To transmit an email message across a typical network (e.g., the Internet), an email message transfer
23 protocol is used. Simple Mail Transfer Protocol (SMTP) is the de facto standard for email transmission across the
24 internet. SMTP is described in RFC 788.

25 For an email to be sent via SMTP, a transmission channel must be established between a SMTP-sender and a
SMTP-receiver. Once the transmission channel is established, the SMTP-sender and SMTP-receiver engage in a dialog
where the SMTP-sender sends a command and the SMTP-receiver responds.

1 include the address of the ultimate recipient of the message. However, neither one
2 of those incidences include anything that "identifies which entity is intended to
3 process" the header "when that entity receives the message envelope over the
4 network."

5 The body is devoid of any information that identifies in any way who *has*
6 or who *will* handle the message. Indeed, the content of the body is entirely
7 independent of any future, present, or past transmission information.

8 Therefore, **Fuisz** does not disclose data structures in its e-mail messages
9 that "identif[y] which entity is intended to process the data structure when that
10 entity receives the message envelope over the network" (as recited by the claims).

11 As shown above, **Fuisz** does not disclose all of the claimed elements and
12 features of these claims. Accordingly, Applicant asks the Office to withdraw its
13 rejection of these claims.

14
15 Claims 2-17

16 These claims ultimately depend upon independent claim 1. As discussed
17 above, claim 1 is allowable.

18 In addition to its own merits, each of these dependent claims is allowable
19 for the same reasons that its base claim is allowable. Applicant submits that the
20 Office withdraw the rejection of each of these dependent claims because its base
21 claim is allowable.
22
23
24
25

Claims 20-35

These claims ultimately depend upon independent claim 19. As discussed above, claim 19 is allowable.

In addition to its own merits, each of these dependent claims is allowable for the same reasons that its base claim is allowable. Applicant submits that the Office withdraw the rejection of each of these dependent claims because its base claim is allowable.

Claims 38-47

These claims ultimately depend upon independent claim 37. As discussed above, claim 37 is allowable.

In addition to its own merits, each of these dependent claims is allowable for the same reasons that its base claim is allowable. Applicant submits that the Office withdraw the rejection of each of these dependent claims because its base claim is allowable.

Claims 55, 58, and 61

The Office does not tie specific language of these independent claims to any specific cited portion of the reference. Instead, without linkage to any particular claim language, the Office discusses the cited reference and cites portions of the reference to support its discussion and conclusion. The portions of **Fuisz** cited by the Office include the following:

- Col. 4, lines 65-67;
- Col. 5, lines 1-4;

- Fig. 1;
- Col. 3, lines 55-57.

As amended, claim 55 recites:

- providing a sending entity in communication with a network of entities;
- generating contents of the message envelope of a message, the contents comprising:
- a header data structure which identifies an intermediate entity as that which is intended to process the header data structure and whether that intermediate entity must understand such data structure; and
- a body data structure which identifies a destination entity as that which is intended to process the body data structure.

As amended, claim 58 recites:

- a header data structure which identifies an intermediate entity, over a network of entities, as that which is intended to process the header data structure and whether that intermediate entity must understand such data structure; and
- a body data structure which identifies the destination entity as that which is intended to process the body data structure

As amended, claim 61 recites:

- a header data-structure section which identifies an intermediate entity, over a network of entities, as that which is intended to process the header data-structure section and

whether that intermediate entity must understand such data-structure section; and

- a body data-structure section which identifies the destination entity as that which is intended to process the body data-structure section.

The Office indicates that **Fuisz** discloses (at to Fig. 1 and col. 3, lines 55-59; col. 4, lines 65-67) a “message format (generated from a sending entity with body data intended for a destination entity)”. It further indicates that **Fuisz** teaches (at col. 5, lines 1-4) a “header containing sending instructions (data intended for an intermediate entity)”. The Office acknowledged that **Fuisz** does not explicitly state that the “entity intended to process the header (data structure) must understand the header.”

Headers & Bodies of **Fuisz**’s Message Fails to Identify the Entity Intended to Process It

The Office has not pointed out where **Fuisz** expressly discloses that the header of its subject email message “identifies an intermediate entity [...] as that which is intended to process the header” data structure (which is recited in the claims).

Similarly, the Office has not pointed out where **Fuisz** expressly discloses that the body of its subject email message “identifies a destination entity [...] as that which is intended to process the body” data structure (which is recited in the claims).

The header may include a record identifying of who *has* handled the message during its transmission and may include the address of the ultimate

1 recipient of the message. However, neither one of those incidences include
2 anything that "identifies" any entity which intended to process it.

3 The body is devoid of any information that identifies in any way who *has*
4 or who *will* handle the message. Indeed, the content of the body is entirely
5 independent of any future, present, or past transmission information.

6 Therefore, **Fuisz** does not disclose data structures in its e-mail messages
7 that "identifies" an entity [either intermediate or destination] as that which is
8 intended to process" that data structure (as recited by the claims).

9
10 Must Understand

11 The Office acknowledged that **Fuisz** does not explicitly state that the
12 "entity intended to process the header (data structure) must understand the
13 header." However, the Office states, "it is inherent that the entity intended to
14 process the header must understand the header." Applicant disagrees.

15 While it may be desirable for an entity receiving a message to understand
16 all that it has received, there is no reason to believe that all entities receiving a
17 message will understand all that it has received. Furthermore (and more
18 importantly), there is nothing expressly or implicitly disclosed in **Fuisz** to lead one
19 to believe that **Fuisz's** intermediate entities must understand the header it receives.

20 Indeed, since **Fuisz's** header is a transmission record, **Fuisz's** intermediate
21 entities need not analyze and understand the header. Rather, it need only
22 understand the email transmission protocol (e.g., SMTP) to process the email
23 messages passing there through.
24
25

1 Furthermore, in its support for its obviousness rejection of claim 39, the
2 Office indicates that it would have been obvious to include a sending of a
3 notification of non-understanding (from **Allen, Jr.**) in **Fuisz** because such a
4 notification would allow for a more reliable communication system.

5 If it is truly inherent in **Fuisz** that the entity (intended to process the header
6 and/or body) must understand the header and/or body, then why would sending a
7 notification of non-understanding be necessary. Why would it make it more
8 reliable? If it must understand what is sent to it, then why would there be reason
9 to believe that it will not understand? If there is reason to believe that it will not
10 understand, then is it truly inherent that the entity intended to process the header
11 and/or body must understand the header and/or body?

12 Applicant submits that reasoning given for the rejection of these claims is
13 logically inconsistent with the reasoning given for why one of ordinary skill would
14 be motivated to incorporate the teachings of **Allen, Jr.** with those of **Fruisz** (of
15 claim 39).

16 Applicant submits that **Fuisz** never discloses this feature and that this
17 feature is not inherent.

18 As shown above, **Fuisz** **does** not disclose all of the claimed elements and
19 features of these claims. Accordingly, Applicant asks the Office to withdraw its
20 rejection of these claims.

21
22 Claims 56 and 57

23 These claims ultimately depend upon independent claim 55. As discussed
24 above, claim 55 is allowable.
25

1 In addition to its own merits, each of these dependent claims is allowable
2 for the same reasons that its base claim is allowable. Applicant submits that the
3 Office withdraw the rejection of each of these dependent claims because its base
4 claim is allowable.

5
6 Claims 59 and 60

7 These claims ultimately depend upon independent claim 58. As discussed
8 above, claim 58 is allowable.

9 In addition to its own merits, each of these dependent claims is allowable
10 for the same reasons that its base claim is allowable. Applicant submits that the
11 Office withdraw the rejection of each of these dependent claims because its base
12 claim is allowable.

13
14 Claims 62 and 63

15 These claims ultimately depend upon independent claim 61. As discussed
16 above, claim 61 is allowable.

17 In addition to its own merits, each of these dependent claims is allowable
18 for the same reasons that its base claim is allowable. Applicant submits that the
19 Office withdraw the rejection of each of these dependent claims because its base
20 claim is allowable.

21
22
23 Obviousness Rejections
24
25

1 **Lack of *Prima Facie* Case of Obviousness (MPEP § 2142)**

2 Applicant disagrees with the Office's obviousness rejections. Arguments
3 presented herein point to various aspects of the record to demonstrate that all of
4 the criteria set forth for making a *prima facie* case have not been met.

5
6 **Based upon Fuisz and Connolly**

7 The Office rejects claims 3, 5, 14-16, 21, 23, 32-34, 41, and 43 under USC
8 § 103(a) as being unpatentable over **Fuisz** and **Connolly**. Applicant respectfully
9 traverses the rejections of these claims. Applicant asks the Office to withdraw its
10 rejection of these claims.

11 All of these claims are dependent upon one or more base claims which were
12 rejected by the Office as being anticipated by **Fuisz**. Therefore, in addition to its
13 own merits, each of these dependent claims is allowable for the same reasons that
14 its base claim is allowable. Furthermore, the combination of the teachings of **Fuisz**
15 and **Connolly** fails to disclose all of the features and elements recited in these
16 claims.

17
18 Claims 3, 21, and 41 recite:

19 the message envelope has beginning and ending envelope tags;

- 20 • the contents of the message envelope is between the envelope
21 tags.

22
23 Claims 14 and 32 recite:

- 24 • wherein the envelope tags identify the message envelope.
25

1 Claims 5, 23, and 43 recite:

- 2 • the header data structure has beginning and ending header
3 tags;
- 4 • the body data structure has beginning and ending body tags.

5 Claims 15 and 33 recite:

- 6 • wherein the header tags identify the header data structure.

7
8 Claims 16 and 34 recite:

- 9 • wherein the body tags identify the body data structure.

10
11 The Office relies on its previous discussion of **Fuisz** in the context of its
12 anticipation rejections and it cites section 3.4 of **Connolly** for disclosing the
13 features (recited in these claims) it admits is missing from **Fuisz**.

14 The Office admits **Fuisz** does not explicitly teach the “envelope having
15 beginning and ending tags.” Office indicates that section 3.4 of **Connolly** teaches
16 that a document (such as a message) may be enclosed by HTML tags. The Office
17 analogizes the HTML tags the “envelope tags” recited in the claims.

18 The Office admits **Fuisz** does not explicitly teach the “header and body
19 having beginning and ending tags.” Office indicates that section 3.4 of **Connolly**
20 discloses a document (such as a message) with “a head and body, each defined by
21 their respective beginning and ending tags.”

22 Above (in its response to the Office’s anticipation rejections based upon
23 **Fuisz**), Applicant listed one or more elements and/or features recited in the base
24 claims from which these dependent claims depend. None of the missing elements
25 and/or features (which are identified above) is not supplied by **Connolly**.

1 Therefore, the combination of the teachings of **Fuisz** and **Connolly** fails to
2 disclose all of the features and elements recited in the base claim from which these
3 depend.

4 Accordingly, Applicant asks that the Office withdraw its rejection of these
5 claims.

6 **Based upon Fuisz and Hemphill**

7 The Office rejects claims 8-13, 25, 27-31, 45-47, 56, 57, 59, 60, 62, and 63
8 under USC § 103(a) as being unpatentable over **Fuisz** and **Hemphill**. Applicant
9 respectfully traverses the rejections of these claims. Applicant asks the Office to
10 withdraw its rejection of these claims.

11 All of these claims are dependent upon one or more base claims which were
12 rejected by the Office as being anticipated by **Fuisz**. Therefore, in addition to its
13 own merits, each of these dependent claims is allowable for the same reasons that
14 its base claim is allowable. Furthermore, the combination of the teachings of
15 **Fuisz** and **Hemphill** fails to disclose all of the features and elements recited in
16 these claims.

17
18 **Claims 8, 25, and 45**

19 The Office relies on its previous discussion of **Fuisz** in the context of its
20 anticipation rejections and it cites Fig. 3; col. 10, lines 63-65; and col. 2, lines 38-
21 41 of **Hemphill** for disclosing the features (recited in these claims) it admits are
22 missing from **Fuisz**.

23
24 As amended, claims 8, 25, and 45 recite:
25

- wherein at least one of the data structures includes a request for an entity to perform a task, wherein the data structures lack executable instructions for performing the task.

The Office admits **Fuisz** does not explicitly teach the “data structures requesting an entity to perform a task.” Office indicates that **Hemphill** discloses a “messaging system wherein the document (body) data structure includes executable code (task) to be performed by the target (entity).”

As amended, the claims recite that “the data structures lack executable instructions for performing the task.” Since the data structures of **Hemphill** include “executable code”, its data structures have “instructions for performing the task.” Consequently, the recited language of these claims differs from what **Hemphill** discloses.

Furthermore, above (in its response to the Office’s anticipation rejections based upon **Fuisz**), Applicant listed one or more elements and/or features recited in the base claims from which these dependent claims depend. None of the missing elements and/or features (which are identified above) is not supplied by **Hemphill**. Therefore, the combination of the teachings of **Fuisz** and **Hemphill** fails to disclose all of the features and elements recited in the base claim from which these depend.

Accordingly, Applicant asks that the Office withdraw its rejection of these claims.

Claims 9, 10, 27, 28, 46, 47, 56, 57, 59, 60, 62, and 63

The Office relies on its previous discussion of **Fuisz** in the context of its anticipation rejections and it cites col. 1, lines 40-41 and 45-52 of **Hemphill** for disclosing the features (recited in these claims) that it admits are missing from **Fuisz**.

The Office admits **Fuisz** does not explicitly teach the “data structures being expressed in a markup language, namely XML.” Office indicates that **Hemphill** discloses a “messages being written in a mark-up language and more specifically written in XML.”

Above (in its response to the Office’s anticipation rejections based upon **Fuisz**), Applicant listed one or more elements and/or features recited in the base claims from which these dependent claims depend. None of the missing elements and/or features (which are identified above) is not supplied by **Hemphill**. Therefore, the combination of the teachings of **Fuisz** and **Hemphill** fails to disclose all of the features and elements recited in the base claim from which these depend.

Accordingly, Applicant asks that the Office withdraw its rejection of these claims.

Claims 11-13 and 29-31

The Office relies on its previous discussion of **Fuisz** in the context of its anticipation rejections and it cites col. 2, lines 7-10 and 27-30 of **Hemphill** for disclosing the features (recited in these claims) that it admits are missing from **Fuisz**.

1 The Office admits **Fuisz** does not explicitly teach the “formatting the
2 message to be sent over the network via HTTP, or binding the message to an
3 HTTP request or response.” Office indicates that **Hemphill** discloses a
4 “formulating the message into an HTTP post transaction.”

5 However, the Office admits that Hemphill does not explicitly teach
6 “binding the message to an HTTP response or request.” The Office takes “Official
7 Notice” that both the concept and advantages of binding a message to be sent over
8 a network to an HTTP response or request are well known and expected in the art.
9 Applicant traverses the Official Notice.

10 Above (in its response to the Office’s anticipation rejections based upon
11 **Fuisz**), Applicant listed one or more elements and/or features recited in the base
12 claims from which these dependent claims depend. None of the missing elements
13 and/or features (which are identified above) is not supplied by **Hemphill**.
14 Therefore, the combination of the teachings of **Fuisz** and **Hemphill** fails to
15 disclose all of the features and elements recited in the base claim from which these
16 depend.

17 Accordingly, Applicant asks that the Office withdraw its rejection of these
18 claims.
19

20 **Based upon Fuisz, Connolly, and Hemphill**

21 The Office rejects claims 17 and 35 under USC § 103(a) as being
22 unpatentable over **Fuisz** (as applied to claim 4 above), in view of **Connolly** and
23 further in view of **Hemphill**. Applicant respectfully traverses the rejections of
24 these claims. Applicant asks the Office to withdraw its rejection of these claims.
25

1 All of these claims are dependent upon one or more base claims which were
2 rejected by the Office as being anticipated by **Fuisz**. Therefore, in addition to its
3 own merits, each of these dependent claims is allowable for the same reasons that
4 its base claim is allowable. Furthermore, the combination of the teachings of
5 **Fuisz, Connolly, and Hemphill** fails to disclose all of the features and elements
6 recited in these claims.

7 The Office relies on its previous discussion of **Fuisz** in the context of its
8 anticipation rejection of claim 4 and it cites section 3.4 of **Connolly** and col. 1,
9 lines 45-52 of **Hemphill** for disclosing the features (recited in these claims) that it
10 admits are missing from **Fuisz**.

11
12 Claims 17 and 35 recite:

- 13 • wherein the message envelope has the following format:
- 14 • <Envelope label>
- 15 • <Header label>
- 16 • header data
- 17 • </Header label>
- 18 • <Body label>
- 19 • message data
- 20 • </Body label>
- 21 • </Envelope label>
- 22 • the <Envelope label> being a beginning envelope tag, the
23 </Envelope label> being an ending envelope tag, and the
24 Envelope label identifying the message envelope;
- 25 • the <Header label> being a beginning header tag, the
 </Header label> being an ending header tag, the Header label
 identifying the header data structure;

- the <Body label> being a beginning body tag, the </Body label> being an ending body tag, and the Body label identifying the body data structure;
- the header data being expressed in XML;
- the message data being expressed in XML.

The Office admits **Fuisz** does not explicitly teach the “formatting the message with beginning and ending tags to identify the envelope, header, or body.” Office indicates that **Connolly** discloses a “formatting a document (message) that includes beginning and ending HTML (header) tags, beginning and ending HEAD (header) tags, and beginning and ending BODY tags, each identifying their respective data element.”

The Office admits neither **Fuisz** nor **Connolly** explicitly teach the “the data being expressed in XML.” Office indicates that **Hemphill** discloses the “messages being written in XML.”

Above (in its response to the Office’s anticipation rejections based upon **Fuisz**), Applicant listed one or more elements and/or features recited in the base claims from which these dependent claims depend. None of the missing elements and/or features (which are identified above) are not supplied by **Connolly** or **Hemphill**. Therefore, the combination of the teachings of **Fuisz**, **Connolly**, and **Hemphill** fails to disclose all of the features and elements recited in the base claim from which these depend.

Accordingly, Applicant asks that the Office withdraw its rejection of these claims.

Based upon Fuisz and Allen, Jr.

The Office rejects claim 39 under USC § 103(a) as being unpatentable over **Fuisz and Allen, Jr.** Applicant respectfully traverses the rejections of these claims. Applicant asks the Office to withdraw its rejection of these claims.

All of these claims are dependent upon one or more base claims which were rejected by the Office as being anticipated by **Fuisz**. Therefore, in addition to its own merits, each of these dependent claims is allowable for the same reasons that its base claim is allowable. Furthermore, the combination of the teachings of **Fuisz, and Allen, Jr.** fails to disclose all of the features and elements recited in these claims.

The Office relies on its previous discussion of **Fuisz** in the context of its anticipation rejection of claim 37 and it cites col. 23, lines 51-53 of **Allen, Jr.** for disclosing the features (recited in these claims) that it admits are missing from **Fuisz**.

Claim 39 recites:

- if the entity that is intended to process the data structure does not understand such data structure, sending a response message to the sending entity that indicates that the entity did not understand such data structure.

The Office admits **Fuisz** does not explicitly teach the “the receiving entity informing the sending entity that if did not understand the structure.” Office indicates that **Allen, Jr.** discloses a “communications process where a character is

1 sent from a remote terminal indicating that it did not understand the poll
2 (structure).”

3 On page 7 of the Action, as part of its reasoning for rejecting claims 2, 20,
4 and 38, the Office said, “it is inherent that the entity intended to process the header
5 and/or body (data structures) must understand the header and/or body.”

6 If that is true, then why would one of ordinary skill be motivated to find a
7 solution for the situation when the entity intended to process a data structure might
8 not understand it? If it is truly inherent that the entity (intended to process the
9 header and/or body) must understand the header and/or body, is there reason to
10 believe that it will not understand? If there is reason to believe that it will not
11 understand, then is it truly inherent that the entity intended to process the header
12 and/or body must understand the header and/or body?

13 Applicant submits that reasoning given for the rejections of claims 2, 20,
14 and 38 on page 7 is logically inconsistent with the reasoning given for why one of
15 ordinary skill would be motivated to incorporate the teachings of **Allen, Jr.** with
16 those of **Fruisz**. Applicant asks the Office to withdraw its rejections or change its
17 reasoning for and/or its rejection of either claim 39 or claims 2, 20, and 38.

18 Above (in its response to the Office’s anticipation rejections based upon
19 **Fuisz**), Applicant listed one or more elements and/or features recited in the base
20 claims from which these dependent claims depend. None of the missing elements
21 and/or features (which are identified above) is not supplied by **Allen, Jr.**
22 Therefore, the combination of the teachings of **Fuisz** and **Allen, Jr.** fails to
23 disclose all of the features and elements recited in the base claim from which these
24 depend.
25

1 Accordingly, Applicant asks that the Office withdraw its rejection of these
2 claims.

3
4 **Based upon Fuisz and Postel**

5 The Office rejects claim 40 under USC § 103(a) as being unpatentable over
6 **Fuisz** and **Postel**. Applicant respectfully traverses the rejections of these claims.
7 Applicant asks the Office to withdraw its rejection of these claims.

8 All of these claims are dependent upon one or more base claims which were
9 rejected by the Office as being anticipated by **Fuisz**. Therefore, in addition to its
10 own merits, each of these dependent claims is allowable for the same reasons that
11 its base claim is allowable. Furthermore, the combination of the teachings of
12 **Fuisz**, and **Postel** fails to disclose all of the features and elements recited in these
13 claims.

14 The Office relies on its previous discussion of **Fuisz** in the context of its
15 anticipation rejection of claim 37 and it cites section 1.5 of **Postel** for disclosing
16 the features (recited in this claims) that it admits are missing from **Fuisz**.

17
18 Claim 40 recites:

- 19
 - sending a response message to the sending entity on the
20 network.

21
22 The Office admits **Fuisz** does not explicitly teach the “sending a response
23 message.” Office indicates that **Postel** discloses a “messaging protocol that
24 includes positive acknowledgement from a receiving entity (sending a response to
25 a sending entity).”

1 Above (in its response to the Office's anticipation rejections based upon
2 **Fuisz**), Applicant listed one or more elements and/or features recited in the base
3 claims from which these dependent claims depend. None of the missing elements
4 and/or features (which are identified above) is not supplied by **Postel**. Therefore,
5 the combination of the teachings of **Fuisz** and **Postel** fails to disclose all of the
6 features and elements recited in the base claim from which these depend.

7 Accordingly, Applicant asks that the Office withdraw its rejection of these
8 claims.
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

421 West Riverside, Suite 500
Spokane, WA 99201
P: 509.324-9256
F: 509.323-8979
www.leeandhayes.com

lee & hayes

1 **Dependent Claims**

2 In addition to its own merits, each dependent claim is allowable for the
3 same reasons that its base claim is allowable. Applicant submits that the Office
4 withdraw the rejection of each dependent claim where its base claim is allowable.
5

6 **Conclusion**

7 All pending claims are in condition for allowance. Applicant respectfully
8 requests reconsideration and prompt issuance of the application. If any issues
9 remain that prevent issuance of this application, the Office is urged to contact the
10 undersigned attorney before issuing a subsequent Action.
11

12
13
14 Dated: 2-25-04

Respectfully Submitted,

By: 

Kasey C. Christie
Reg. No. 40559
(509) 324-9256 x232
kasey@leehayes.com
www.leehayes.com

421 West Riverside, Suite 500
Spokane, WA 99201
P: 509.324-9256
F: 509.323-8979
www.leehayes.com

lee & hayes